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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92064514
Party	Plaintiff Mary P Flynn
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Submission	Motion to Dismiss - Rule 12(b)
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Signature	/Mary P Flynn/
Date	06/04/2017
Attachments	June 4 Petitioners Memorandum of Law and Response to Respondents Motion to Dismiss Petitioners Amended Petition For Cancellation.pdf(279516 bytes) EXHIBIT A - 86724115-MAKE AMERICA GREAT AGAIN CHAIN OF TITLE IS-SUE.pdf(201393 bytes) Exhibit B - CONSCIOUS JUSTICE.pdf(77189 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD**

In re Registration No. 5020556 (MAKE AMERICA GREAT AGAIN)

Registered August 16, 2016

Mary P. Flynn

Petitioner,

v.

Donald J. Trump for President, Inc.

Respondent.

Cancellation No. 92064514

**PETITIONER’S MEMORANDUM OF LAW AND RESPONSE TO RESPONDENT’S
MOTION TO DISMISS PETITIONER’S AMENDED PETITION FOR CANCELLATION**

Petitioner, Mary P. Flynn, respectfully submits this Memorandum of Law and Response to Respondent’s Motion to Dismiss Petitioner’s Amended Petition for Cancellation and moves the Board to compel Respondent to provide proof of service of Respondent’s original Motion to Dismiss pursuant to Rule 5(a)(1)(d) of the Federal Rules of Civil Procedure, 37 C.F.R. Part 2 of the Trademark Rules of Practice, Trademark Rules 2.119(a) and (b), and Trademark Trial and Appeal Board Manual of Procedure (TBMP § 113.03), and to either not consider Respondent’s Motion to Dismiss and vacate their March 24, 2017 order, or deny Respondent’s Motion to Dismiss Petitioner’s Amended Petition for Cancellation.

PRELIMINARY STATEMENT

As rule of law dictates, pursuant to Rule 5(a)(1)(d) of the Federal Rules of Civil Procedure, Petitioner would like to remind the Board that Respondent has not provided proof of service via Federal Express Overnight of their Motion to Dismiss dated November 18, 2016.

Despite Petitioner’s request for proof of service on December 3, 2016 and December 5, 2016 via two different email requests sent to Alan Garten, Esq. (counsel for Donald J. Trump, DTTM Operations LLC, Donald J. Trump for President, Inc., and The Trump Organization) and 3 additional employees of The Trump Organization (Matthew Maron, Sergey Lysenko, Cynthia Arce) listed on the Notice of

Appearance filed by Mr. Garten on October 17, 2016, Mr. Garten and his fellow employees of The Trump Organization (“Garten et al.”) have not provided the requested proof of service.

Petitioner was not able to obtain proof of service directly from Federal Express.

Trademark Rules 2.119(a) and (b) require that every paper filed in the United States Patent and Trademark Office (USPTO) in a proceeding before the Board must be served upon the attorney for the other party, or on the party if there is no attorney. ***Proof of service must be made before the paper will be considered by the Board.***

No paper, document, or exhibit will be considered as evidence unless it has been introduced in evidence in accordance with the applicable rules.

Strict compliance with the Trademark Rules of Practice, and the Federal Rules of Civil Procedure, is required of all parties before the Board.

To date, Respondent has not provided proof of service via Federal Express Overnight to either Petitioner or the Board.

The Board relied on the presumption that Respondent had complied with the Trademark Rules of Practice and the Federal Rules of Civil Procedure, and ruled on a motion that should not have been considered as evidence by the Board as it had not been introduced in evidence in accordance with the applicable rules.

Petitioner respectfully requests the Board to compel Respondent to provide proof of service of Respondent’s original Motion to Dismiss dated November 18, 2016 pursuant to Rule 5(a)(1)(d) of the Federal Rules of Civil Procedure, 37 C.F.R. Part 2 of the Trademark Rules of Practice, Trademark Rules 2.119(a) and (b), and Trademark Trial and Appeal Board Manual of Procedure (TBMP § 113.03), and to either not consider Respondent’s Motion to Dismiss and vacate their March 24, 2017 order, or deny Respondent’s Motion to Dismiss Petitioner’s Amended Petition for Cancellation.

ARGUMENT

Below is an excerpt from Petitioner’s referenced December 5, 2016 email to Garten et al. to confirm the fact that Petitioner has made every effort to presume that Respondent had complied with the rule of law pursuant to 15 U.S.C. 1123 § 41 of the Lanham Act:

1. Provide evidence you served REGISTRANT'S MOTION TO DISMISS via **Federal Express Overnight**
2. Provide evidence USPTO Attorney Janice Long's September 21, 2016 NOTE TO THE FILE **is false**, namely, that there is no break in the chain of title of title recorded with the USPTO for the MAKE AMERICA GREAT AGAIN marks
3. Provide evidence trademark clearance searches were conducted by you or outside counsel before the MAKE AMERICA GREAT AGAIN trademark applications were filed, together with Declarations **personally executed by Donald J. Trump**
4. Provide evidence there are no conflicts of interest with you representing Donald J. Trump, members of the Trump family, and The Trump Organization
5. Provide evidence you and/or outside counsel have established policing policies regarding the MAKE AMERICA GREAT AGAIN mark
6. Provide evidence you, outside counsel, Donald J. Trump, Reince Priebus, and the Republican Party are not using Intellectual Property as a retaliatory weapon against China, as outlined in the **recently-uploaded** Republican Platform 2016 on <https://prod-cdn-static.gop.com/static/home/data/platform.pdf>

If you are not able to provide evidence of any of the foregoing, explain to me in a clear and concise manner why you and/or outside counsel are not guilty of malpractice and why my Petition is frivolous and should be withdrawn.

As evidenced above and in all of Petitioner's communications with Garten et al., starting on April 22, 2016, and with employees of the United States Patent and Trademark Office, up to and including the Commissioner of Trademarks, Petitioner's intention has been to seek justice under the rule of law based on her 30+ years of professional experience with the United States Patent and Trademark Office and Intellectual Property Offices and jurisdictions worldwide.

STANDING, GROUNDS, and RULE OF LAW

While Garten et al. can use words like "nonsensical" or "frivolous" or "mere intermeddler" to describe Petitioner and her Petition, AMERICA is a nation of laws based on truth, facts, and claims that can be substantiated in a court of law, and if Garten et al. had only counseled their client, Donald J. Trump, to follow the rule of law before he and they broke it, Petitioner would not have had to file the Petition for Cancellation as a last resort to protect the AMERICA brand.

If Garten et al. had even made an effort to remedy the issues Petitioner brought to their attention on April 22, 2016, namely fraud committed by Donald J. Trump under 18 U.S.C. § 1001 in connection with documents executed by Mr. Trump and filed by Garten et al. with the United States Patent and Trademark Office and the United States Office of Government Ethics, Petitioner would not have had to file the Petition for Cancellation as a last resort to protect the AMERICA brand.

If the law firm of Hughes Hubbard & Reed LLP had only followed the rule of law while acting as attorneys for Donald J. Trump, DTTM Operations LLC, Donald J. Trump for President, Inc., and The

Trump Organization in connection with the mark at issue, Petitioner would not have had to file the Petition for Cancellation as a last resort to protect the AMERICA brand.

If the Republican National Committee and counsel for the GOP had only followed the rule of law and conducted proper legal due diligence before entering into Joint Fundraising Agreements with Donald J. Trump in connection with the mark at issue, Petitioner would not have had to file the Petition for Cancellation as a last resort to protect the AMERICA brand.

If Donald F. McGahn II and the law firm of Jones Day had only followed the rule of law and conducted proper legal due diligence and conflict clearance searches before taking Donald J. Trump on as a client, Petitioner would not have had to file the Petition for Cancellation as a last resort to protect the AMERICA brand.

If Donald F. McGahn II and the law firm of Jones Day had even made an effort to remedy the issues Petitioner brought to their attention in an email dated April 7, 2016, up to and including the legal, financial, business, ethical, and political ramifications of Donald J. Trump's continued candidacy for President of the United States of America, Petitioner would not have had to file the Petition for Cancellation as a last resort to protect the AMERICA brand.

If Donald F. McGahn II and the law firm of Jones Day had not started representing Russian clients with ties to Vladimir Putin in 2003, specifically in the field of oil production, and then opened an office in Russia in 2004, as advertised on their firm's website, Petitioner would not have had to file the Petition for Cancellation as a last resort to protect the AMERICA brand:

Jones Day represented TNK and its shareholders in connection with the creation of TNK-BP, a landmark \$18 billion joint venture between Russian oil producer TNK and BP. The transaction was completed on August 29, 2003 and represents the largest deal in Russian corporate history. Its completion made BP the world's second largest private-sector producer and TNK-BP the tenth largest. The British Prime Minister Tony Blair and Russian Federation President Vladimir Putin were in attendance at the signing ceremony on June 26.

Jones Day's Moscow Office opened in 2004, following the Firm's introduction to the Russian market through our representation of Alfa Group and Access/Renova Group in the formation of TNK-BP, the largest M&A transaction in Russian history at the time.

If every citizen of the United States of America that voted in the 2016 Presidential election had spent 30+ years of their professional career conducting legal due diligence in the fields of global Intellectual

Property, Brand Management, Marketing Communications, and Mergers and Acquisitions, Petitioner would not have had to resort to filing the Petition for Cancellation as a last resort to protect the AMERICA brand.

The citizens of the United States of America, collectively, did not decide the outcome of the 2016 Presidential election. If that were the case, Donald J. Trump would not be President of the United States of America as he lost the “popular vote” in 2016.

In the United States of America, the collective voices of the American people were “dismissed” as Donald J. Trump became the 45th President of the United States of America based on a process known as the Electoral College, thereby making Donald J. Trump the brand ambassador, the President of and/or the Commander in Chief of the AMERICA brand.

Based on Petitioner’s 30+ years of professional experience protecting the valuable brands of United States and international clients worldwide, and Petitioner’s understanding of the rule of law, Petitioner decided to take the AMERICA brand on as a client.

Petitioner made the decision to protect AMERICA and everything the AMERICA brand represents, or represented before dilution of the AMERICA brand commenced, because none of the aforementioned individuals, groups, law firms, or political party had put the collective interests of AMERICA before their own.

AMERICA and everything the AMERICA brand represents, including the rule of law as outlined by the Constitution of the United States of America, deserves better than Donald J. Trump and everything he and the TRUMP and RUSSIA brands represent, and have represented throughout the years, culminating with the United States Intelligence Community officially concluding that the Russian government interfered in the 2016 United States Presidential election.

To date, Donald J. Trump, individually or through his attorneys, has done nothing to protect the AMERICA brand, the people of AMERICA, American democracy or the republic for which it stands, against RUSSIA.

In fact, despite the findings of the United States Intelligence Community and evidence they’ve provided to substantiate their conclusion, Donald J. Trump has REPEATEDLY chosen TRUMP and RUSSIA over AMERICA.

On May 9, 2017, Donald J. Trump chose to fire the Director of the Federal Bureau of Investigation of the United States of America who was leading the investigation into possible collusion between members of the TRUMP campaign and RUSSIA.

On May 10, 2017, Donald J. Trump invited Russia's foreign minister, the Russian ambassador to the United States, and the *state-owned* Russian news agency, Tass, into the Oval Office of the United States of America, while the White House press pool was excluded.

Donald J. Trump has repeatedly refused to protect or defend America, the citizens of America, and allies of America, against Russia.

America and Russia are not allies regardless of how much money Donald J. Trump, members of his family, and The Trump Organization "*see...pouring in from Russia*".

On August 16, 2016, the USPTO **erroneously** issued a Certificate of Registration for the mark at issue in the name of Donald J. Trump for President, Inc. based on a break in the chain of title as evidenced by a Trademark Status and Document Retrieval (TSDR) search conducted by Petitioner on September 21, 2016. *See Exhibit A.*

Based on the presumption that Donald J. Trump did not knowingly make false statements under 18 U.S.C. § 1001 when he personally executed the Declaration that accompanied the application for the mark at issue, the USPTO should have issued the Certificate of Registration in the name of DTTM Operations LLC, which Donald J. Trump is 100% owner. *See Exhibit A.*

Pursuant to Trademark Rules of Practice (37 C.F.R. Part 2, §2.200), Assignment records are open to public inspection.

Pursuant to 37 C.F.R. Part 3, 15 U.S.C. § 1123, once a document is recorded with the Assignment Recordation Branch, the Assignment Recordation Branch will not remove the document from the record relating to that application or registration. *See TMEP § 503.06(e).*

The goal of the USPTO is to maintain a complete history of claimed interests in a mark. Since the act of recording a document is not a determination of the document's validity, maintaining a complete record of claimed interests does not preclude an owner from using a mark, or from establishing its ownership of the

mark in a proper forum, such as a federal court. *In re Ratny*, 24 USPQ2d 1713 (Comm'r Pats. 1992).

Three parties and/or legal entities claimed ownership rights to the mark at issue during the *unprecedented expedited trademark examination process provided by USPTO personnel*, which also coincided with the 2016 Presidential campaign, namely, Donald J. Trump, an individual, a United States citizen, DTTM Operations LLC, a Delaware limited liability company, and Donald J. Trump for President, Inc., a Virginia non-profit corporation. *See* Exhibit A.

The Assignment Abstract of Title Information confirms the USPTO recorded a total of two (2) Assignments against the mark at issue. *See* Exhibit A.

On January 28, 2016, an Assignment (“Assignment 1 of 2”) from Donald J. Trump to DTTM Operations LLC for 114 properties, including 4 for the mark at issue, was recorded by the Assignment Recordation Branch (ARB) of the USPTO on Reel/Frame: 5718/0583. *See* Exhibit A.

On March 17, 2016, an Assignment (“Assignment 2 of 2”) from Donald J. Trump to Donald J. Trump for President, Inc. for 3 properties, all 3 for the mark at issue, was recorded by the Assignment Recordation Branch (ARB) of the USPTO on Reel/Frame: 5752/0967. *See* Exhibit A.

In violation of Federal Rules of Civil Procedure and Trademark Rules of Practice 37 C.F.R. Part 2, §2.200, 37 C.F.R. Part 3, 15 U.S.C. § 1123, and TMEP § 503.06(e), Assignment 1 of 2 was removed from the Assignment Abstract of Title Information for the mark and registration at issue by the Assignment Recordation Branch of the United States Patent and Trademark Office some time after September 23, 2016, which is the date Petitioner filed the Petition for Cancellation as a last resort to persuade Respondent and the USPTO to comply with Federal Rules of Civil Procedure and Trademark Rules of Practice.

Despite Petitioner’s repeated efforts to bring these issues to the attention of the USPTO during several telephone conversations with USPTO personnel, and through Freedom of Information Act (FOIA) requests, the USPTO has refused to comply with Federal Rules of Civil Procedure and Trademark Rules of Practice 37 C.F.R. Part 2, §2.200, 37 C.F.R. Part 3, 15 U.S.C. § 1123, and TMEP § 503.06(e).

Ownership and chain of title of the mark and registration at issue are critical as the Republican National Committee and Donald J. Trump for President, Inc. entered into Joint Fundraising Agreements during the 2016 Presidential campaign, which also coincided with the **unprecedented expedited**

trademark examination process provided by USPTO personnel, that established two joint fundraising committees, namely, Trump Victory and the **Trump Make America Great Again** Committee.

The **Trump Make America Great Again** Committee is a joint fundraising committee between the Republican National Committee (“RNC”) and Donald J. Trump for President, Inc., which is the legal entity registered with the Federal Election Commission, which is also the non-profit corporation the USPTO **erroneously** issued the registration to on August 16, 2016, which may violate several Federal Election Campaign laws. *See* 52 U.S.C. §§ 30101 – 30105 and §§ 30116 – 30126 and §§ 30141 – 30146. *See* 26 U.S.C. §§ 9001 – 9042. *See* 18 U.S.C. §§ 594 – 6710. *See* 36 U.S.C. §§ 510 – 511. *See* 47 U.S.C. §§ 312 – 317.

According to various articles published on May 17-18, 2016, including one from the Wall Street Journal, *“Donald J. Trump and the Republican National Committee finalized a joint fundraising agreement late Tuesday that would allow individual donors to write checks of as much as \$449,400—far higher than the \$2,700 cap on what the presumptive GOP nominee’s presidential campaign can accept.”* *See* 52 U.S.C. §§ 30101 – 30105 and §§ 30116 – 30126 and §§ 30141 – 30146. *See* 26 U.S.C. §§ 9001 – 9042. *See* 18 U.S.C. §§ 594 – 6710. *See* 36 U.S.C. §§ 510 – 511. *See* 47 U.S.C. §§ 312 – 317.

The actions of the United States Patent and Trademark Office, which violate Federal Rules of Civil Procedure and Trademark Rules of Practice 37 C.F.R. Part 2, §2.200, 37 C.F.R. Part 3, 15 U.S.C. § 1123, and TMEP § 503.06(e), not only compromise the history of claimed interests in the mark and registration at issue, but they also remedy the fact that the USPTO **erroneously** issued a Certificate of Registration to Donald J. Trump and/or DTTM Operations LLC and/or Donald J. Trump for President, Inc., despite a break in the chain of title, as confirmed by USPTO attorney, Janice Long on September 21, 2016 during telephone conversations with Petitioner, a message left for the attorney of record for the mark and registration at issue by Ms. Long, and a Notation to File authored by Ms. Long on the same date for the mark and registration at issue.

On September 21, 2016, Petitioner brought these issues to the attention of several employees of the USPTO during telephone conversations, up to and including Mary Boney Denison, Commissioner of Trademarks.

During these telephone conversations, Petitioner also brought her concerns relating to Donald J. Trump and his attorneys to the attention of USPTO personnel.

Petitioner was specifically concerned that Mr. Trump had either knowingly, or under advice of counsel, committed fraud against the USPTO and the US Office of Government Ethics (USOGE) during the 2016 Presidential campaign in connection with Intellectual Property Mr. Trump *owned*.

Petitioner was specifically concerned that Mr. Trump had knowingly made willful false statements in connection with the August 12, 2015 Declaration he personally executed under 18 U.S.C. § 1001, which was filed by his attorneys with the USPTO on August 13, 2015 in connection with the application for the mark at issue, and the OGE Form 278e (financial disclosure report) Mr. Trump personally executed, which was filed with the USOGE on July 15, 2015, which was missing Intellectual Property personally owned by Mr. Trump, specifically, US and foreign trademark applications/registrations, licenses, and revenue generated in connection with same.

Petitioner was also concerned that Donald J. Trump (and potentially his three (3) wives, if they signed and filed joint tax returns while married to Donald J. Trump) may be guilty of federal tax evasion under 26 U.S.C. § 7201 as he and/or his attorneys, Alan Garten (The Trump Organization), Natasha Reed (formerly of Hughes Hubbard & Reed LLP), Sheri Dillon (Morgan, Lewis & Bockius LLP), William Nelson (Morgan, Lewis & Bockius LLP), and Donald F. McGahn II (formerly of Jones Day and the Federal Election Commission) may also have failed to claim the aforementioned revenue, generated by Mr. Trump's Intellectual Property, not only on Mr. Trump's OGE278e, but also on Mr. Trump's personal income tax returns throughout the years, as confirmed in the deposition transcript of Alan Garten, Esq. on November 12, 2015 in TTAB Opposition No. 91217618 filed by Donald J. Trump against Trump Your Competition, Inc.

Based on Mr. Garten's deposition testimony, which occurred during the 2016 Presidential campaign (almost 4 months after Mr. Trump executed and filed Form OGE278e with the USOGE), it is not clear why Mr. Trump's attorneys would have allowed Mr. Trump to personally own a US and foreign trademark portfolio of "*hundreds of marks that have been registered over the years*" worth "*probably in the billions of dollars*" throughout the years and "*in excess of maybe \$400 million*" for the preceding year until DTTM

Operations LLC, a Delaware limited liability company was formed on January 15, 2016. *See* Testimony Deposition Transcript of Alan Garten, ESTTA Tracking Number: ESTTA715297.

It would be worth noting that Petitioner relied on information contained in Mr. Garten's November 12, 2015 Testimony Deposition Transcript to substantiate her claim that Mr. Trump, whether under advice of counsel or not, committed fraud against the US Office of Government Ethics.

It would also be worth noting that Mr. Garten's Testimony Deposition Transcript was removed from TTAB records of the USPTO after Petitioner first reviewed it in order to respond to Mr. Garten's voicemail message left for Petitioner on April 21, 2016.

In order to ascertain why Mr. Garten's Testimony Deposition Transcript was removed from TTAB records of the USPTO, Petitioner contacted the attorney of record for Respondent, Trump Your Competition, Inc., Rod Underhill, to inquire whether the document was removed because it was now under a Protective Order. Mr. Underhill confirmed that it was not. During the telephone conversation with Petitioner, Mr. Underhill also tried to locate the removed document and was not able to locate it.

Petitioner also brought this issue to the attention of several employees of the USPTO during telephone conversations on September 21, 2016, up to and including Mary Boney Denison, Commissioner of Trademarks.

Mary Boney Denison had Susan Richey, Deputy Chief Administrative Trademark Judge at the Trademark Trial and Appeal Board contact Petitioner regarding Mr. Garten's removed deposition transcript. Ms. Richey confirmed that the document had been restored to the TTAB records and Petitioner confirmed that it was during the September 21, 2016 telephone conversation with Ms. Richey.

Petitioner's and USPTO and USOGE employees' telephone records, the September 21, 2016 Notation to File by USPTO attorney, Janice Long, and Freedom Of Information Act (FOIA) requests filed by Petitioner with the USPTO and the USOGE can substantiate Petitioner's statements of fact.

Mr. Garten's telephone records, the April 21, 2016 voicemail message Mr. Garten left for Petitioner, and the April 22, 2016 email from Petitioner to Mr. Garten in response to Mr. Garten's April 21, 2016 voicemail message left for Petitioner in response to Petitioner's voicemail message left for Patrice Jean, attorney of record for the mark and registration at issue, can also substantiate Petitioner's statements of fact.

To reiterate, despite Petitioner's repeated efforts to bring these issues to the attention of the USPTO during telephone conversations with USPTO personnel, through Freedom of Information Act (FOIA) requests, and finally, as a last resort, filing the Petition for Cancellation, the USPTO has refused to comply with Federal Rules of Civil Procedure and Trademark Rules of Practice 37 C.F.R. Part 2, § 2.200, 37 C.F.R. Part 3, 15 U.S.C. § 1123, and TMEP § 503.06(e).

Petitioner is aware that Vice President Mike Pence hired Stephen Pinkos as his Staff Secretary and Deputy Director for Domestic Policy. Stephen M. Pinkos formerly served as Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the Commerce Department's United States Patent and Trademark Office (USPTO).

In addition, based on Mr. Pinkos' profile on *LinkedIn*, Mr. Pinkos had also served as Policy Director and General Counsel for House Majority Whip Kevin McCarthy, and Staff Director and Deputy General Counsel for the House Committee on the Judiciary.

Just this week, media outlets have published articles such as "*House Majority Leader Kevin McCarthy in 2016: 'There's two people I think Putin pays: Rohrabacher and Trump'*", "*Paul Ryan: 'I've never seen anything like' leaked McCarthy recording*", "*Payoffs From Putin to Trump? McCarthy Says No, He Was Just Kidding*", "*McCarthy's 'bad attempt at a joke' takes on new resonance with Russia news*" and "*F.B.I. Once Warned G.O.P. Congressman That Russian Spies Were Recruiting Him*".

Media outlets this week have also published articles such as "*Trump attorney didn't want him to sign financial disclosure*", "*Trump's attorney didn't want him to certify accuracy of financial disclosure form*", "*Trump's lawyer didn't want him to sign his federal financial disclosure, certifying it as true*" and "*Trump tax attorney didn't want him to sign his financial disclosure form certifying it was true.*"

Based on information provided on the USOGE's website, below are excerpts of a May 10, 2017 letter from Walter Shaub, Director of the United States Office of Government Ethics to Sheri Dillon, tax attorney for Donald J. Trump:

"As we discussed, OGE will provide this assistance on the condition that the President is committed to certifying that the contents of his report are true, complete and correct."

"When we met on April 27, 2017, you requested that he be excused from providing this certification."

Petitioner interprets this to confirm her claim that Donald J. Trump did not, in fact, disclose Intellectual Property personally owned by him on the OGE Form 278e Mr. Trump personally executed, which was filed with the USOGE on July 15, 2015, as it was missing Intellectual Property personally owned by Mr. Trump, specifically, US and foreign trademark applications/registrations, licenses, and revenue generated in connection with same.

Petitioner also interprets this to confirm her claim that unless Mr. Trump, through his tax attorney, is threatened, in writing, by the Director of the United States Office of Government Ethics with 5-8 years in a federal prison, Mr. Trump will not tell the truth or certify that his financial disclosure reports are true, complete and correct under 18 U.S.C. § 1001.

Rule of law, pursuant to 5 C.F.R. § 2635.101(b)(1) states:

Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.

Rule of law, pursuant to 5 C.F.R. § 2635.702 states:

An employee shall not use his public office for his own private gain, for the endorsement of any product, service or enterprise, or for the private gain of friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity, including nonprofit organizations of which the employee is an officer or member, and persons with whom the employee has or seeks employment or business relations.

Donald J. Trump, in an interview with the New York Times on November 22, 2016, stated:

“The law’s totally on my side, meaning, the president can’t have a conflict of interest.”

On May 18, 2017, a letter was sent to members of The Trump Organization from seventeen (17) United States Senators. Below are excerpts from the letter in connection with Mr. Trump’s Intellectual Property and conflicts of interest:

“We write regarding the Trump Organization’s continuing financial relationship with President Donald Trump. This continuing financial relationship raises serious concerns about whether the Trump Organization is effectively a pass-through for income that violates the Constitution’s two Emoluments Clauses.”

“Article I, Section 9, Clause 8 of the Constitution states, “[N]o Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.” Article II, Clause 7 of the Constitution additionally provides that the President shall receive fixed compensation during his or her time in office, but “shall not receive within that Period any other Emolument from the United States, or any of them.””

“What is the estimated value of the 38 Chinese trademarks recently awarded to the Trump Organization?”

“The New York Times reports that the Trump Organization currently has 157 pending trademark applications in 36 countries. What is the estimated value of those 157 trademarks?”

As a matter of law, Petitioner has provided evidence that Donald J. Trump committed fraud against the US Office of Government Ethics on July 15, 2015 as claimed in her Petition for Cancellation.

As a matter of law, Petitioner has provided evidence of conflicts of interest between Donald J. Trump, DTTM Operations LLC, Donald J. Trump for President, Inc., the Republican National Committee, the GOP, members of the Republican Party, Republican members of Congress, members of the Trump Administration, members of the Trump family, The Trump Organization, the Federal Election Commission, employees of the United States Patent and Trademark Office, and attorneys for all of the foregoing parties, versus the indivisible interests of the people of AMERICA, specifically members of groups that have been discriminated and retaliated against based on their Sex/Gender, Race/Color, Religion, National Origin, Disability, Age, and those that have experienced discrimination defined as Sexual Harassment and Equal Pay/Compensation (by the U.S. Equal Employment Opportunity Commission), including Petitioner, as claimed in her Petition for Cancellation.

As a matter of law, Petitioner has provided evidence of potential breach of two Emoluments Clauses of the Constitution by Donald J. Trump through The Trump Organization and their attorneys as claimed in her Petition for Cancellation.

As a matter of law, Petitioner has provided evidence that either, Donald J. Trump and his attorneys committed fraud against the USPTO, or the USPTO erroneously issued a Certificate of Registration for the mark at issue, or employees of the USPTO, whether knowingly or not, may be colluding with Donald J. Trump and his attorneys, or employees of the USPTO, whether knowingly or not, may be complicit in Mr. Trump and his attorneys' actions as claimed in her Petition for Cancellation.

According to an article entitled "Trump's Trademarks Pose Ethics Challenge for the Executive Branch" which was published by the Project on Government Oversight (POGO) on March 13, 2017, the Board has these issues presently before it.

According to POGO's website, POGO is a nonpartisan independent watchdog that champions good government reforms. POGO's investigations into corruption, misconduct, and conflicts of interest achieve a more effective, accountable, open, and ethical federal government.

The full article, which Petitioner quotes from below, can be read here:

<http://www.pogo.org/blog/2017/03/trump-trademarks-ethics-challenge.html>

Petitioner provides specific excerpts from the article published by this watchdog group below:

*"Against the recommendation of the government's top ethics official, President Trump has rebuffed **calls to divest** himself of his business interests and place the assets in a **blind trust**, which means the federal government will continually be placed in situations where its decisions will impact Trump's continued ownership interests and his bottom line. While he is not required by law to divest, as the late Antonin Scalia **wrote** in 1974 for the Office of Legal Counsel, the President's "failure to observe" conflict of interest standards applicable to every other federal employee "will furnish a simple basis for damaging criticism, whether or not they technically apply" to the President."*

"Because Trump retains a financial interest directly in his companies and at the same time runs the federal government, which affects his companies' revenues and costs, the conflicts of interest posed are potentially vast. The relatively unexplored conflicts facing the Trademark Board offer a window into the broader conundrum faced by the federal government because of Trump's decision not to divest."

"Government integrity is at stake, namely whether the executive can maintain the appearance of impartiality in matters involving Trump and his family members' business interests."

*“Claiming ownership to such a slogan as “Make America Great” is an example of our runaway copyright and trademark claims,” said George Washington University Law Professor Jonathan Turley in a **blog post** in January. Trump was not the first to use the phrase as a campaign slogan. **Ronald Reagan** used “Let’s Make America Great Again” during the 1980 presidential campaign.”*

*“In contrast, neither President Obama nor his campaign was ever a party to a trademark dispute before this Board (there were cases where a person appealed the Patent and Trademark Office’s rejection of their attempt to trademark words that **included** the word “Obama” and “Barack”—but Obama was **not a party** in those **cases**). There were **three trademark cases** involving the Clinton Foundation before the Trademark Board, but they were all well after Bill Clinton left the White House. Similarly, **10 cases** involved the Ronald Reagan Presidential Foundation—again, well after Reagan was president. No cases involving George H.W. Bush, the 41st president, or his son, George W. Bush, the 43rd president, turned up during a **search** of their names in the Trademark Board’s case filing system.”*

*“Also last week, in another development that could involve the Commerce Department, China **approved** numerous trademark applications Trump has had pending before its government. The Commerce Department plays a critical role in determining and enforcing U.S. **trade policy** with China—a hot-button topic on both the campaign trail and during the early days of Trump’s presidency. Some critics suspect that China may have approved the trademarks to curry favor with Trump.”*

“Back on the domestic front, Trump’s trademarks raise unique conflict-of-interest concerns given the executive branch’s key role in approving trademarks and handling disputes over them.”

*“The Office of Government Ethics (OGE) has stated that these awkward situations may only be avoided if Trump sells off his companies. “OGE’s primary recommendation is that he divest his conflicting financial interests,” **stated** Walter M. Shaub, Jr., director of OGE, in January. “Nothing short of divestiture will resolve these conflicts.”*

*“Trump’s trademarks and the revenue they generate are not a marginal aspect of his business, they are increasingly central. While pinning down the exact value of the Trump brand has been difficult, in June 2014, after the kickoff of his presidential campaign, Trump released a one-page **summary** of his net worth. The largest portion of his self-assessed worth of \$8.8 billion was related to “real estate licensing deals,*

brand and branded developments” valued at \$3.3 billion.”

“While it is difficult to assess how Trump’s election to the White House has affected the value of his trademarks, President Trump’s son Eric Trump told The New York Times in a story published on Friday, “I think our brand is the hottest it has ever been.”

“As widely reported during the presidential campaign, his business has shifted to letting others take on the risk of construction and management while he licenses out the right for them to brand their goods or services with Trump trademarks in return for handsome royalties. For Trump, the shift to a branding-centric revenue model entails much lower risk to him and higher profit margins. Central to this strategy is the aggressive policing of his trademarks to avoid the dilution of his brand—and one of the primary venues for protecting his brand is the Trademark Board.”

Donald J. Trump (either individually or through DTTM Operations LLC) owns 100% of the TRUMP worldwide trademark portfolio related to *“real estate licensing deals, brand and branded developments”* valued at \$3.3 billion as of June 2014.

Central to this strategy is the aggressive policing of his trademarks to avoid the dilution of his brand so now that the USPTO has allowed Donald J. Trump to claim (no disclaimer of AMERICA was required by the USPTO) and own AMERICA as one of his brands, who is aggressively policing and protecting the AMERICA brand, the brand that belongs to the citizens of the United States of America?

If the word AMERICA or AMERICAN in the mark primarily identifies the United States as the origin of the goods and/or services, then it is primarily geographically descriptive. *Am. Diabetes Ass’n, Inc. v. Nat’l Diabetes Ass’n*, 533 F. Supp. 16, 214 USPQ 231 (E.D. Pa. 1981), *aff’d*, 681 F.2d 804 (3d Cir. 1982); *In re Monograms Am., Inc.*, 51 USPQ2d 1317 (TTAB 1999); *In re BankAmerica Corp.*, 231 USPQ 873 (TTAB 1986); TMEP §1210.02(b)(iv).

Applicant must disclaim the wording “AMERICA” because it is primarily geographically descriptive of the origin of applicant’s services, and thus is an unregistrable component of the mark. *See* 15 U.S.C. §§1052(e)(2), 1056(a); *In re Societe Generale des Eaux Minerales de Vittel S.A.*, 824 F.2d 957, 959, 3 USPQ2d 1450, 1451-52 (Fed. Cir. 1987); *In re Joint-Stock Co. “Baik”*, 80 USPQ2d 1305, 1309 (TTAB 2006); TMEP §§1210.01(a), 1210.06(a), 1213.03(a).

An applicant may not claim exclusive rights to terms that others may need to use to describe their services, including the geographic origin thereof, in the marketplace. *See Dena Corp. v. Belvedere Int'l, Inc.*, 950 F.2d 1555, 1560, 21 USPQ2d 1047, 1051 (Fed. Cir. 1991); *In re Aug. Storck KG*, 218 USPQ 823, 825 (TTAB 1983). A disclaimer of unregistrable matter does not affect the appearance of the mark; that is, a disclaimer does not physically remove the disclaimed matter from the mark. *See Schwarzkopf v. John H. Breck, Inc.*, 340 F.2d 978, 978, 144 USPQ 433, 433 (C.C.P.A. 1965); TMEP §1213.

In addition to not being required to disclaim AMERICA by the USPTO, the mark at issue has been in the public domain since 1980.

On August 12, 2015, Donald J. Trump, an individual, a United States citizen, personally executed a federal Declaration under 18 U.S.C. Section 1001 with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, which accompanied the trademark application for the mark at issue.

On August 13, 2015, Donald J. Trump *secured the services of an attorney who is familiar with such matters* to file a trademark application with the United States Patent and Trademark Office for the mark at issue.

On August 16, 2016, the United States Patent and Trademark Office **erroneously** issued a Certificate of Registration to Donald J. Trump for President, Inc. for the mark at issue even though the mark at issue has been in the public domain since 1980.

Petitioner has provided evidence that the mark has been in the public domain since 1980 as claimed in her Petition for Cancellation.

Who in America has “legal standing” to defend the AMERICA brand before the TTAB when employees of the USPTO refused?

The AMERICA brand has been trumped by the TRUMP brand, Donald J. Trump, the Trump family, the Trump Organization, and their attorneys, in violation of 5 C.F.R. § 2635.101(b)(1) and 5 C.F.R. § 2635.702.

Who in America has “legal standing” to defend the AMERICA brand before the TTAB when her Intellectual Property rights and those of other United States citizens and United States and foreign legal

entities are trumped by the TRUMP brand, Donald J. Trump, the Trump family, the Trump Organization, and their attorneys, in violation of 5 C.F.R. § 2635.101(b)(1) and 5 C.F.R. § 2635.702?

Who in America has “legal standing” to defend the AMERICA brand before the TTAB when her Civil Rights and those of other United States citizens are trumped by the TRUMP brand, Donald J. Trump, the Trump family, the Trump Organization, and their attorneys, in violation of 5 C.F.R. § 2635.101(b)(1) and 5 C.F.R. § 2635.702?

Who in America has “legal standing” to defend the AMERICA brand before the TTAB when her Human Rights and those of other United States citizens are trumped by the TRUMP brand, Donald J. Trump, the Trump family, the Trump Organization, and their attorneys, in violation of 5 C.F.R. § 2635.101(b)(1) and 5 C.F.R. § 2635.702?

Below are some further excerpts from the article entitled “Trump’s Trademarks Pose Ethics Challenge for the Executive Branch” which was published by the Project on Government Oversight (POGO) on March 13, 2017:

“While US trademark law gives every living person protection against the unauthorized use of their name, this protection becomes fuzzier when the words are in common usage—such as popular first names or verbs. “When a mark often consists of a common term, like ‘trump,’ which also has multiple dictionary meanings,” Jess Collins, a trademark expert writing for Forbes, wrote last fall, “conflicts are pretty certain to arise.”

“Trump has trademarked many terms beyond his name and “Make America Great Again.” For instance, last year, he trademarked the words, “American Idea.”

“Collins added, “We will have a President who is hyper-sensitive to the value of brand names. Efforts by the courts, legislature or government agencies to lessen those protections will not find a receptive audience in the White House. The incoming President may even argue that his success is built entirely on the fame of his marks. Will that matter?”

“You’ve got a situation where you’re hearing a case involving the president of the United States,” trademark attorney Ken Kurkle said to The Washington Post. “From that standpoint, I imagine it could involve some discomfort.”

Based on the foregoing, Petitioner has not found one Intellectual Property attorney, from “the largest law firm in the world” from where Petitioner resigned on down to a partnership with only two attorneys, who is willing to defend the AMERICA brand now that the USPTO has allowed Donald J. Trump to *own* it even though he and his attorneys repeatedly refused to comply with the rule of law or engage in ethical conduct in order to claim AMERICA as their own.

For this reason, Petitioner resigned from her well-paying law firm job, has been living off of her savings, and has gone into debt for the first time in her life, in order to defend the AMERICA brand before the TTAB.

For this reason, Petitioner filed a trademark application and received a Notice of Allowance from the USPTO on May 2, 2017 for her trademark, CONSCIOUS JUSTICE.

For this reason, Petitioner has launched Conscious Justice, which is a non-profit that coordinates legal services for other non-profits, foundations and various other civil or human rights organizations or causes to try to help people to choose to advocate instead of adjudicate.

The mission of Conscious Justice is to choose kindness, love, compassion and empathy for humanity over personal ego, fear, anger, hate, violence, greed and apathy.

The mission of Conscious Justice is to find law firms that offer pro bono services. For those that do, for what practice areas do they offer these services? For children or the incarcerated? For minority/female owned businesses? If not, do they offer discounts and/or flat fee or contingency fee billing arrangements?

The mission of Conscious Justice is also about how conflicts of interest are handled. How are conflicts of interest handled at international corporations, law firms, by the President of the United States of America, or by candidates for the office of President of the United States of America?

This mission of Conscious Justice is to find out if candidates for President of the United States of America are required to report any pending or past litigation matters on their OGE Form 278e so the US Office of Government Ethics can weigh the ethical (legal and financial) ramifications before they clear conflicts for a candidate for the office of President of the United States of America.

Petitioner’s white paper for Conscious Justice, which she authored on March 26, 2016, is attached as evidence that Petitioner has a “direct and personal stake” in the outcome of this proceeding and that

Petitioner is not a “mere intermeddler” when it comes to protecting the AMERICA brand as she has made it her life’s purpose and professional career since Donald J. Trump announced his candidacy for the Office of President of the United States of America on June 16, 2015. *See* Exhibit B.

Petitioner’s white paper for Conscious Justice can also be found on her *LinkedIn* profile.

Petitioner has also launched her website for Conscious Justice, which can be found at <https://www.consciousjustice.com>.

Petitioner’s personal and professional philosophy and ethics are completely different from those of Donald J. Trump and his attorneys, especially when it comes to protecting the AMERICA brand.

If only Donald J. Trump and his attorneys understood history and had tried to incorporate a meaningful historical reference in his June 16, 2015 speech instead of filling it with hateful, disparaging statements, which have diluted the AMERICA brand each and every day since.

If only Donald J. Trump and his attorneys understood why June 16, 1976 means so much to Petitioner and the people of South Africa.

If only Donald J. Trump and his attorneys or his sons understood who Hector Pieterse was and why a Memorial and Museum were built in his name.

If only Donald J. Trump told his sons to go to South Africa to learn important world history lessons about Apartheid, Hector Pieterse, President Nelson Mandela, and Archbishop Desmond Tutu, and how they correspond to the Civil Rights movement or the Black Lives Matter movement, instead of the Trump sons shooting animals in Africa for sport and then taking photos with their dead bodies.

If only Donald J. Trump and Ivanka Trump understood that Petitioner’s father was born on June 16 and was such an amazing loving father who never would have thought to treat his daughter or any other human being or creature on the planet with the blatant disregard, disrespect and contempt that Donald J. Trump has demonstrated not only towards his daughter, but to almost every other human being and creature in AMERICA and on the planet.

If only Donald J. Trump and his attorneys understood that each and every intention, thought, word, and act can change the world at any given moment.

If only Donald J. Trump and his attorneys understood that each and every one of those intentions, thoughts, words, and acts can have adverse legal consequences.

If only Donald J. Trump and his attorneys understood that intentions/thoughts/words/acts based on LOVE instead of fear can change the world for the better for ALL of Humanity and the planet.

If only Donald J. Trump and his attorneys understood that Petitioner's mother was born on March 26, the day Petitioner authored her Conscious Justice white paper.

If only Donald J. Trump and his attorneys understood that Petitioner's mother was her role model and the most phenomenal and loving woman Petitioner has ever been blessed to know.

If only Donald J. Trump and his attorneys understood that Petitioner's mother told her throughout her life that she could do anything she put her mind to if she truly believed that she could and if she was willing to put forth the effort.

If only Donald J. Trump and his attorneys understood that Petitioner's mother reiterated those statements by writing, "The whole world is waiting for the beautiful gifts you have...People you haven't even met yet will be changed by you for the good."

If only Donald J. Trump and his attorneys understood that Petitioner was raised in a beautiful loving family by the most unbelievably amazing parents who taught her to have love in her heart for ALL of Humanity and to stand up for what she believed.

Petitioner believes in the rule of law and AMERICA, and she is willing to take a stand to protect both.

Petitioner believes in God, and she believes God is love.

Petitioner has love in her heart for ALL of Humanity.

Petitioner has love in her heart for ALL that God creates, including every one and every thing in the Universe.

Petitioner refuses to stand idly by while Donald J. Trump, DTTM Operations LLC, Donald J. Trump for President, Inc., the Republican National Committee, the GOP, members of the Republican Party, Republican members of Congress, members of the Trump Campaign, members of the Trump Administration, members of the Trump family, and The Trump Organization (“Donald J. Trump et al.”) refuse to comply with the rule of law and ethical standards.

Petitioner refuses to stand idly by while Donald J. Trump et al. attempt to assault, discriminate, disparage, defame, disrespect, or threaten any female, girl, woman, lady, child, or baby, up to and including AMERICA, LADY LIBERTY, and MOTHER NATURE.

Petitioner is taking a stand to let Donald J. Trump et al. understand that Donald J. Trump et al. will be held accountable for their actions.

Petitioner is taking a stand to let Donald J. Trump et al. know that AMERICA expects them to be held to the same legal and ethical standards as the rest of the citizens of AMERICA.

Petitioner is taking a stand to let Donald J. Trump et al. know that AMERICA will never forget that the 45th President of the United States of America said the following, and still was elected President of the United States of America:

“I moved on her like a bitch, but I couldn’t get there. And she was married.” “I did try and fuck her. She was married.” “Just kiss. I don’t even wait. And when you’re a star, they let you do it. You can do anything.” “Grab them by the pussy. You can do anything.”

Petitioner is taking a stand to let Donald J. Trump et al. know that the irreparable harm and damage caused by Donald J. Trump et al. to the AMERICA brand has financial consequences.

Petitioner is taking a stand to let Donald J. Trump et al. know that the minute they tried to *own* AMERICA is the minute Petitioner made it her life’s purpose to teach them what the rule of law meant.

Petitioner is taking a stand to let Donald J. Trump et al. know what the legal, ethical, financial, civil, and criminal ramifications are for not following the rule of law in connection with:

Rule 5(a)(1)(d) of the Federal Rules of Civil Procedure

37 C.F.R. Part 2 of the Trademark Rules of Practice, Trademark Rules 2.119(a) and (b), and Trademark Trial and Appeal Board Manual of Procedure (TBMP § 113.03)

15 U.S.C. 1123 § 41 of the Lanham Act

18 U.S.C. § 1001

37 C.F.R. Part 2, §2.200, 37 C.F.R. Part 3, 15 U.S.C. § 1123, and TMEP § 503.06(e)

52 U.S.C. §§ 30101 – 30105 and §§ 30116 – 30126 and §§ 30141 – 30146

26 U.S.C. §§ 9001 – 9042

18 U.S.C. §§ 594 – 6710

36 U.S.C. §§ 510 – 511

47 U.S.C. §§ 312 – 317

26 U.S.C. § 7201

5 C.F.R. § 2635.101(b)(1)

5 C.F.R. § 2635.702

Petitioner vows that Donald J. Trump et al. will learn that they are not above the law and that they will be held accountable for the irreparable harm and damage they've already bestowed upon or intend to bestow upon AMERICA, and that Petitioner will take whatever legal steps are necessary to ensure they pay, literally, so help me God.

CONCLUSION

For all of the foregoing reasons, the Board should compel Respondent to provide proof of service of Respondent's original Motion to Dismiss, and either not consider Respondent's Motion to Dismiss and vacate their March 24, 2017 order, or deny Respondent's Motion to Dismiss Petitioner's Amended Petition for Cancellation.

Respectfully submitted,

Date: June 4, 2017

By: /s/ Mary P Flynn
Mary P Flynn

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing PETITIONER'S
MEMORANDUM OF LAW AND RESPONSE TO RESPONDENT'S MOTION TO DISMISS
PETITIONER'S AMENDED PETITION FOR CANCELLATION is being served on June 4, 2017 by
emailing said copy to:

Alan Garten, Esq.
c/o The Trump Organization
725 Fifth Avenue
New York, New York 10022
Email: agarten@trumporg.com
mmaron@trumporg.com
slysenko@trumporg.com
carce@trumporg.com
Telephone: (212) 836-3203

Dated: June 4, 2017
Palos Heights, Illinois

/s/ Mary P Flynn _____
Mary P Flynn

Generated on: This page was generated by TSDR on 2016-09-21 11:29:00 EDT

Mark: MAKE AMERICA GREAT AGAIN

MAKE AMERICA GREAT AGAIN

US Serial Number: 86724115

Application Filing Date: Aug. 13, 2015

US Registration Number: 5020556

Registration Date: Aug. 16, 2016

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark, Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Aug. 16, 2016

Publication Date: Feb. 23, 2016

Mark Information

Mark Literal Elements: MAKE AMERICA GREAT AGAIN

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 4773272

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Bumper stickers; decorative decals for vehicle windows; stickers; advertising signs of papers; advertising signs of cardboard; placards and banners of paper or cardboard; printed publications, namely, pamphlets providing information regarding Donald J. Trump as a political candidate; posters; pens

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 12, 2015

Use in Commerce: Apr. 12, 2015

For: Clothing, namely, sweatshirts, T-shirts, tank tops, long sleeve shirts; headwear, namely, caps and hats; baby clothing, namely, one piece garments; children's clothing, namely, t-shirts

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 12, 2015

Use in Commerce: Apr. 12, 2015

For: Campaign buttons

International Class(es): 026 - Primary Class

U.S Class(es): 037, 039, 040, 042, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 12, 2015

Use in Commerce: Apr. 12, 2015

For: Political campaign services, namely, promoting public awareness of Donald J. Trump as a candidate for public office; providing online information regarding political issues and the 2016 presidential election; retail and online retail store services in connection with campaign related goods; providing a website that features Donald J. Trump views on political issues

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 12, 2015

Use in Commerce: Apr. 12, 2015

For: Political campaign services, namely, fundraising in the field of politics

International Class(es): 036 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: May 22, 2015

Use in Commerce: May 22, 2015

For: On-line journals, namely, blogs featuring information about Donald J. Trump, namely, as it relates to politics and political campaigning; providing a website featuring non-downloadable videos and photographs in the field of politics and political campaigning

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: May 22, 2015

Use in Commerce: May 22, 2015

For: Online social networking services in the field of politics and political campaigning provided via a website

International Class(es): 045 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 22, 2015

Use in Commerce: Apr. 22, 2015

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: DONALD J. TRUMP FOR PRESIDENT, INC.

Owner Address: 725 FIFTH AVENUE
NEW YORK, NEW YORK 10022
UNITED STATES

Legal Entity Type: NON-PROFIT CORPORATION

State or Country Where Organized: VIRGINIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Patrice P. Jean

Attorney Primary Email Address: trademarks@hugheshubbard.com

Attorney Email Authorized: Yes

Correspondent

Correspondent: Patrice P. Jean

Name/Address: Hughes Hubbard & Reed LLP
One Battery Park Plaza
New York, NEW YORK 10004-1482
UNITED STATES

Phone: (212) 837-6264

Fax: (212) 299-6264

Correspondent e-mail: trademarks@hugheshubbard.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 16, 2016	REGISTERED-PRINCIPAL REGISTER	
Jul. 19, 2016	ASSIGNMENT OF OWNERSHIP UPDATED MANUALLY	70458
Jul. 08, 2016	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
Mar. 30, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 23, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 08, 2016	EXTENSION OF TIME TO OPPOSE RECEIVED	
Feb. 23, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 23, 2016	PUBLISHED FOR OPPOSITION	
Feb. 03, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Feb. 03, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 27, 2016	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 27, 2016	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 12, 2016	TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS	
Nov. 12, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 11, 2015	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Nov. 10, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Nov. 10, 2015	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 14, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 14, 2015	NON-FINAL ACTION E-MAILED	6325
Oct. 14, 2015	NON-FINAL ACTION WRITTEN	82423
Oct. 13, 2015	ASSIGNED TO EXAMINER	82423
Aug. 28, 2015	ASSIGNED TO EXAMINER	68110
Aug. 18, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 17, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Jul. 19, 2016

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

Registrant: DONALD J. TRUMP FOR PRESIDENT, INC.

Assignment 1 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [5718/0583](#)

Pages: 5

Date Recorded: Jan. 28, 2016

Supporting Documents: [assignment-tm-5718-0583.pdf](#)

Assignor

Name: [TRUMP, DONALD J.](#)

Execution Date: Jan. 25, 2016

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Assignee**Name:** [DTTM OPERATIONS LLC](#)**Legal Entity Type:** LIMITED LIABILITY COMPANY**State or Country Where Organized:** DELAWARE**Address:** 725 FIFTH AVENUE
NEW YORK, NEW YORK 10022**Correspondent****Correspondent Name:** PATRICE P. JEAN**Correspondent Address:** ONE BATTERY PARK PLAZA
NEW YORK, NY 10004**Domestic Representative - Not Found****Assignment 2 of 2****Conveyance:** ASSIGNS THE ENTIRE INTEREST**Reel/Frame:** [5752/0967](#)**Pages:** 3**Date Recorded:** Mar. 17, 2016**Supporting Documents:** [assignment-tm-5752-0967.pdf](#)**Assignor****Name:** [TRUMP, DONALD J.](#)**Execution Date:** Mar. 16, 2016**Legal Entity Type:** INDIVIDUAL**Citizenship:** UNITED STATES**Assignee****Name:** [DONALD J. TRUMP FOR PRESIDENT, INC.](#)**Legal Entity Type:** NON-PROFIT CORPORATION**State or Country Where Organized:** VIRGINIA**Address:** 725 FIFTH AVENUE
NEW YORK, NEW YORK 10022**Correspondent****Correspondent Name:** PATRICE P. JEAN**Correspondent Address:** ONE BATTER PARK PLAZA
NEW YORK, NY 10004-1482**Domestic Representative - Not Found****Proceedings****Summary****Number of Proceedings:** 1**Type of Proceeding: Extension of Time****Proceeding Number:** [86724115](#)**Filing Date:** Mar 08, 2016**Status:** Terminated**Status Date:** Jul 08, 2016**Interlocutory Attorney:****Defendant****Name:** Trump, Donald J.**Correspondent Address:** Patrice P. Jean
Hughes Hubbard & Reed LLP
One Battery Park Plaza
New York NY , 10004-1482**Associated marks**

Mark	Application Status	Serial Number	Registration Number
MAKE AMERICA GREAT AGAIN	Registered	86724115	5020556

Potential Opposer(s)**Name:** Gregory Richards

Correspondent Morris E. Turek
Address: YourTrademarkAttorney.com
167 Lamp and Lantern Village, #220
Chesterfield MO , 63017-8208
UNITED STATES

Correspondent e-mail: morris@yourtrademarkattorney.com

Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Mar 08, 2016	
2	EXTENSION OF TIME GRANTED	Mar 08, 2016	

CONSCIOUS JUSTICE

Non-profit that coordinates legal services for other non-profits, foundations and various other civil or human rights organizations or causes to try to help people to choose to advocate instead of adjudicate. To choose kindness, love, compassion and empathy for humanity over personal ego, fear, anger, hate, violence, greed and apathy.

What law firms offer pro bono services? For those that do, for what practice areas do they offer these services? For children or the incarcerated? For minority/female owned businesses? If not, do they offer discounts and/or flat fee or contingency fee billing arrangements?

How are conflicts of interest handled at international corporations, law firms, by the President of the US, or by candidates for the office of President of the US?

Are candidates for President of the US required to report any pending or past litigation matters on their OGE Form 278e so the US Office of Government Ethics can weigh the ethical (legal and financial) ramifications before they clear conflicts for a candidate for the office of President of the US?

Can a sitting US President file lawsuits or threaten to file lawsuits?

Can a sitting US President continue to be a party in pending lawsuits?

Can a candidate for US President be a party to a pending lawsuit, whether as an individual or as having any kind of ownership interest in a legal entity involved in same?

Can a corporate officer of a legal entity with an ownership interest and/or family member of a sitting US President be a party to a lawsuit whether as plaintiff or defendant?

Can a sitting US President be countersued in response to a pending lawsuit he filed weeks before declaring his candidacy or as a candidate for US President?

Can a candidate for US President be countersued in response to pending lawsuits?

Can a candidate for US President be sued or countersued for false advertising, defamation, libel, slander, trademark dilution or antitrust issues?

Are candidates for President of the US required to report any of their charitable contributions or board memberships for non-profits or foundations on their OGE conflict form?

What are the laws and regulations the US Office of Government Ethics follows in order to clear conflicts for candidates for President and Vice President of the US?

Once the US Office of Government Ethics clears conflicts for a candidate for President and/or VP, are candidates for the office of President or VP of the US immediately exempt from ethical (legal and financial) conflicts? For instance, while they are campaigning for their offices or does the exemption from ethical conflicts (legal and financial) only begin when they take their Oaths of Office?

Are any other elected government officials other than the President and VP of the US exempt from ethical (legal and financial) conflicts of interest?

How are conflicts of interest handled in international corporations or international law firms, whether between individuals, groups, subsidiaries, etc.?

Do law firm partnership agreements currently speak to this? Has the Supreme Court spoken to this? If handled only at Board or Management Committee level, if there is not equal representation of gender, race, age, ethnicity, practice groups, etc., how are conflict decisions being made? Are the US Government, the Supreme Court, law firms, and/or big businesses above the law? If there is collusion amongst these parties, what recourse do US citizens have?

For instance, if the local supermarket, Jewel-Osco, is ultimately owned by an investment company managed and controlled by Dan Quale, etc., and if Jewel-Osco bought and is currently controlling the lease for several more years for property vacated by Dominick's (another supermarket that declared bankruptcy years ago) in order to control the market, can city government break the lease or do citizens have legal recourse against either based on antitrust, loss of jobs, decline in property values, etc.? Where do citizens go if they don't want to litigate, but want answers? If citizens want a Whole Foods (Conscious Capitalism), but Jewel-Osco is controlling the lease to keep competitors out, is this legal? If legal, is it moral or ethical? If property values are going down based on vacant space or consumers having to drive farther to get to a supermarket, do citizens have any rights?

Where can they turn?
BGA? ABA? CBA?

Bless the beasts and the children... For they have no voice...does that mean they have no choice??

Where do they turn?

Why do the most powerful jobs in the world, being a Mother and a Father, not come with a job description, qualifications, or accountability?? Why does the most powerful job in the world of government, President of the US, not come with a significant job description, qualifications, or accountability? Why are parents not held accountable? Why are the leaders in this country not held accountable?

If we, specifically the children, are supposed to pledge our allegiance to the US and the Republic for which it stands, one Nation under GOD, INDIVISIBLE, WITH LIBERTY AND JUSTICE FOR ALL, how do we justify that to our children?

Where is the separation of Church and State?

If there is a God and there are States and there are Churches, who takes precedence in a court of law?

Do children or beasts, whether caged or not, have any rights? As a human being, as a species, children have free will, so what about their legal rights?

If you take away the ability to choose, which is the only thing that separates us from the other 19 or so other species that come together to survive, who is accountable for the human rights of children or those that are caged?

Where do parent's or the government's rights to choose trump my own rights?

When it comes to my mind, my body, my spirit, or all three?

Who is protecting the children?

Who is protecting planet Earth to make sure there is or will be enough food, air and water for the children?

Who is explaining to children that they can be shot or blown to bits at daycare, in their school, on their way to or from school, in their home, in the streets, at a restaurant, at a movie, watching a parent run a marathon, or at the playground?

Who is explaining to children how to resolve conflicts?

Who is explaining to children the definition of justice?

Who is explaining to children the definition of a terrorist or terrorism?

Who is explaining to children that terror and terrorists do not discriminate?

Who is explaining to children that a US citizen named Timothy McVeigh, born and bred on US soil, and who became radicalized on US soil, killed 168 children and people at a daycare facility housed in a Federal Building in Oklahoma City?

Who is explaining to the children that all the walls a candidate for President of the US is proposing to be built around the US wouldn't have prevented that from happening?

Who is explaining to the children that justice was served through a US court of law?

Who is explaining to the children that the lead prosecutor who obtained that justice on behalf of children and citizens of the US is the same man that our current President has nominated to sit on the Supreme Court, the highest court of law in the US?

Who is explaining to the children that they have to do their chores, schoolwork, and homework and that their parents, other adults and the current President of the US have to do their jobs, but certain Senators can choose not to do their jobs?

Who is explaining to children that they can't bully other children and resort to violence, but that it's acceptable once you turn 18 or if you're mirroring the behavior of a candidate for President of the US, but unlike the candidate for President of the US, there will be consequences for you, but not for him as he is exempt as the rules and laws we must follow don't apply to him?

Who is explaining to children that one day in the future, they will be able to make their own choices, just not now.

Who is explaining to children that until they are 18, they legally don't have the right to choose their President, but on their 18th birthday, that same President has the power to send them to war? A war they probably know nothing about or if they do, have no power to choose whether to support or not.

Who is explaining to children that until that time, they legally don't have the right to choose where they will live, who they will live with, their health care, their belief in God, their education, what they will eat or drink, whether they will have anything to eat or drink, whether they will have electricity or heat, when and for how long they will sleep, when and for how long they will exercise, study, or just be a child or whether they will grow up in a loving or fearful environment?

Who is explaining to children that until that time, they legally don't have the right to choose whether to question authority or the rules, processes, procedures, regulations, laws or the Constitution of a Nation they are, bound by the choices of others, and to which they are told to pledge their allegiance to each morning at school?

Whether it's a parent, a religious leader, a business leader, government official, scholar, teacher, police officer, or any other care giver or authority figure, why is it acceptable to give my rights to someone that believes or says either:

"Because I said so, Life isn't fair, That's just how it is, There's nothing you can do about it, You're stupid, You're a dummy, You're a fat pig, Sit down, Shut up, Get out of here, You're not good enough, You're not worthy, You're such a disappointment, No one will ever love you, I wish you were never born", etc. or

"We're better than they are, We're smarter than they are, We're prettier than they are, We're richer than they are, We're stronger than they are, We're faster than they are, We're more talented than they are, We're more educated than they are, We have better grades than they do, We have more degrees than they do, We have a better job title than they do, Science is better than the Humanities, East is better than West, We have the power, It's us or them, It's survival of the fittest, Kill or be killed, Majority rules, Our race, religion, gender, national origin, etc. is better than theirs, Our God is better than their God, Our beliefs are better than their beliefs, My intentions, thoughts, words or actions are better than theirs, My choices are better than theirs", etc.?

If this is the Republic for which the US stands, how do we justify telling our children to do what we say, not as we do?

When we take away our children's right to choose, they may throw a tantrum, beat themselves up, bully others, resort to physical violence against themselves or others, rebel, threaten to run away from home or, worst-case scenario, they may grow up to be just like their parents and other authority figures, and inherit the Republic for which it currently stands.

Where's the liberty and justice for the children, the incarcerated or any other human being that has been or is currently being marginalized by our country's ego-driven, fear-based power brokers?

How do we explain the definition of GOD to the children?

How do we explain the definition of INDIVISIBLE to the children?

How do we explain the definition of LIBERTY to the children?

How do we explain the definition of JUSTICE to the children?

How do we explain the definition of ALL to the children?

How do we explain the definition of LOVE to the children?

How do we explain that ego-based, fear-driven external power, hate and greed appear (at times) to be stronger than the internal, authentic power of choice to be kind and to have love, compassion and empathy for another human being at any given moment in time?

How do we explain to our children that the very Syrian people that started St. Jude Children's Research Hospital with Danny Thomas back in 1957, ALSAC (American Lebanese Syrian Associated Charities) and who, to this day, continue to raise approximately \$2 million a day to keep the hospital open for children, regardless of their parent's ability to pay and who do not discriminate based on the child's ethnicity or national origin, are the same Syrian people that a certain candidate for President of the US claimed in a Tweet on March 24, 2016 "will be the destruction of civilization as we know it! So sad!"?

How do we explain to our children that this same candidate for President of the US features St. Jude Children's Research Hospital as the No. 1 charity on The Trump Organization's website (1 of only 4, the last 2 being New York City Police charities)?

How do we explain to our children that this same candidate for President of the US features the United Nations Foundation as the No. 2 charity on The Trump Organization's website, while it seems clear he has no idea what the mission of the United Nations Foundation is or what ethnicities or national origins make up its leadership?

How do we explain to our children that we are all REFUGEES from other areas of the world unless we are Native Americans?

How do we explain that other “billionaires” like Ted Turner chose to start a humanitarian foundation such as the United Nations Foundation instead of running for President of the US because they understand that while one person may or may not be able to change the world, one human being can (with one intention, thought, word or act at any given moment in time) at least plant a seed of PEACE and LOVE for ALL of humanity, such as Mr. Turner did when he founded the United Nations Foundation and that Malala, the youngest-ever Nobel Prize laureate from Pakistan, did when she won her Nobel Prize for PEACE.

While in yet another Tweet on March 27, 2016, when speaking about what he termed “Another radical Islamic attack, this time in Pakistan, targeting Christian women & children...I alone can solve”, a certain candidate for President of the US is allowing his own ego and ignorance to continue to incite fear and violence as the only answer to the world’s problems. Problems, in his own words, he ALONE can solve.

How do we explain to our children not only the legal, financial, ethical and humanitarian ramifications involved when choices are made from ego and fear as opposed to peace and love, but also the danger of not trying to make a difference by trying to get someone to at least take accountability for their choices so they can try to make better choices in the future?

How do we explain to our children that they should always try to choose kindness, love, compassion and empathy over fear, anger, hate, violence, greed and apathy, when we ourselves have and continue to choose wrongly so many times?

If we can't explain it, don't we, as one Nation under God, indivisible, with liberty and justice for all, owe it to the children to take accountability for our past choices, ask for and grant forgiveness, and choose to start working on the solution for problems that we've either created or exacerbated, and for which they will inherit?

Can we get a TRO before the election to revise the job description of the President and all other elected officials to, at the very least, resemble what is currently actionable in a court of law under EEOC when it comes to any other job in the private sector or even in other branches of the government? Or, can they at least be held accountable for not doing the jobs they were or will be elected to do?

Can we get a TRO before the election to look at the current state of how the US Office of Government Ethics clears conflicts for candidates for President/VP, what currently is or isn't required to be disclosed, whether candidates for President or VP are exempt from ethical (legal and financial) conflicts immediately or only after they take office, whether they need to keep the OGE Form 278 updated throughout their run for office or not, what recourse US citizens have when they are able to find mistakes of omission and/or several conflicts that the USOGE did not cite, specifically regarding pending legal proceedings brought by one of the candidates for President of the US (not disclosed on his OGE Form 278e) and potential lawsuits to be filed in response (which could threaten the world's economy and force US taxpayers/the Government to bail out), confirmation of the legal entity status, % of ownership and income reported for each entity listed on OGE Form 278, explanations as to how a current candidate for President of the US plans to repay 13 of the 15 loans to various US banks that will come due between 2015 – 2024 and, if he can't, whether he will have the right to sue the banks to get the loans extended as he has in the past at least on one occasion, how the USOGE was able to clear conflicts in exactly one week for a 92 page OGE Form for said candidate for President of United States of America?

Can we file a class action lawsuit on behalf of the children asking for a TRO until their voices are heard?

How do we ensure the children's voices are heard?

How do we ensure our voices as either tax-paying or simply just US citizens are heard?

How do we ensure our voices as human beings are heard?

If not now, when??

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for ALL.

Mary Pat Flynn
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